

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion Not Established By Statute  
DOI-BLM-UT-C010-2015-0059-CX  
September 2015**

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**City of Enoch  
Well House and Underground Power line  
Right-of-way Amendment**

***Location:***           **Iron County, Utah**  
                          T. 35 S., R. 10 W., SLM  
                          sec.17, NWNE, Lots 3-5;

***Applicant/Address:***   City of Enoch  
                                  900 East Midvalley Road  
                                  Enoch, Utah 84721

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**BUREAU OF LAND MANAGEMENT  
Cedar City Field Office  
176 East DL Sargent Drive  
Cedar City, UT 84721  
Telephone (435) 865-3000**



## CATEGORICAL EXCLUSION DOCUMENTATION

### A. Background

<b>BLM Office:</b>	Cedar City Field Office (LLUTC01000)
<b>Lease/Serial/Case File No.:</b>	UTU-72762 AMENDMENT
<b>Proposed Action Title/Type:</b>	Right-of-Way (Well House and Underground Power Line)
<b>Location of Proposed Action:</b>	T. 35 S., R. 10 W., SLM sec.17, Lots 3-5

#### Description of Proposed Action:

On July 31, 2015 the City of Enoch (Enoch) submitted a right-of-way (ROW) application to amend their storage tank ROW, UTU-72762, to include a well house for culinary water and an underground power line. The amendment would be wholly within two ROW grants, UTU-72762 and UTU-90196. This application is a result of the test drilling and pumping for the culinary water, UTU-90196, that was granted in March 2014. The well house building amendment would include a pump, motor and electronic control equipment. Enoch would also like to install piping materials from the well to the existing storage tank in addition to an underground power line buried in a 3-inch conduit along the same route as the existing water line from UTU-72762. This amendment is located east of I-15 near Enoch, Utah. Terms and conditions to reduce impacts would be included in the ROW amendment.

ROW Amendment	Length (Feet)	Width (Feet)	Acreage	Comments
Building Site	90	200	0.41	Includes: New Structures and Fencing
Underground Powerline	3671.84	12	1.01 <sup>1</sup>	Includes: 3" conduit to the tank

<sup>1</sup> The Underground powerline would be within the 12' existing access road, no new disturbance would occur.

### B. Land Use Plan Conformance

The proposed action is in conformance with the Cedar Beaver Garfield Antimony Resource Management Plan approved, June 10, 1986. It is specifically provided for in Decision 3.1 (p.9) which provides that applications for use authorizations such as rights-of-way, leases, and permits be processed on a case-by-case basis.

### C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

- 516 DM Chapter 11.9.E (12) which reads: "*Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.*"
- 516 DM Chapter 11.9.E (13) which reads "*Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.*"

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

### D. Signature

Authorizing Official: Elizabeth R. Burghard Date: 9/4/15  
Elizabeth R. Burghard  
Field Manager  
Cedar City Field Office

### Contact:

For additional information concerning this CX please contact:

Michelle Campeau  
Realty Specialist  
Cedar City Field Office  
176 East DL Sargent Drive  
Cedar City, UT 84721  
(435) 865-3047

### Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	Adam Stephens	08/12/2015
Areas of Critical Environmental Concern	No	Dave Jacobson	8-18-2015
Cultural Resources	No	Jamie Palmer	9/1/2015
Environmental Justice	No	Michelle Campeau	08/21/2015
Farm Lands (prime or unique)	No	Adam Stephens	08/12/2015
Floodplains	No	Adam Stephens	08/12/2015
Invasive Species/Noxious Weeds	No	<i>Jessica Bullock</i>	8/31/2015
Migratory Birds	No	<b>Sheri Whitfield</b>	08/17/15
Native American Religious Concerns	No	Jamie Palmer	9/1/2015
Threatened, Endangered, or Candidate Species	No	<b>Sheri Whitfield</b>	08/17/15
Wastes (hazardous or solid)	No	Glenn Pepper	8/20/2015
Water Quality (drinking or ground)	No	Adam Stephens	08/12/2015
Wetlands / Riparian Zones	No	Adam Stephens	08/12/2015
Wild and Scenic Rivers	No	Dave Jacobson	8-18-2015
Wilderness	No	Dave Jacobson	8-18-2015
Other:			

\* A "yes" means that extraordinary circumstances *do* apply and this action would not be eligible for a CX. If you write "yes" here we will do an environmental assessment.

Program Lead *Elizabeth R Burghard*

Date: *9/4/15*

Environmental Coordinator *Maria Meneses*

Date: *9/3/15*

## Extraordinary Circumstance to Categorical Exclusions

### Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

<b>Extraordinary Circumstances</b>		
1. Have significant impacts on public health or safety.		
<b>Yes</b>	<b>No</b> <div style="text-align: center;">X</div>	<b>Rationale:</b> The project is not expected to have significant impacts on public health and safety. Project is to amend an existing ROW within the foot prints of two other ROWs.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
<b>Yes</b>	<b>No</b> <div style="text-align: center;">X</div>	<b>Rationale:</b> The project is not expected to have significant impact to on natural resources as the proposal is to amend an existing ROW within the foot prints of two other ROWs.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
<b>Yes</b>	<b>No</b> <div style="text-align: center;">X</div>	<b>Rationale:</b> Issuing a ROW amendment would have little effects on the environment since the proposal is to amend an existing ROW within the foot prints of two other ROWs.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
<b>Yes</b>	<b>No</b> <div style="text-align: center;">X</div>	<b>Rationale:</b> The environmental impacts would be negligible. No unique or unknown environmental risks are anticipated. The impacts are predictable based on previous similar projects.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
<b>Yes</b>	<b>No</b> <div style="text-align: center;">X</div>	<b>Rationale:</b> The proposed action would not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. All future actions will be considered independently.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
<b>Yes</b>	<b>No</b> <div style="text-align: center;">X</div>	<b>Rationale:</b> The impacts from the proposal are expected to be negligible and would not contribute to potentially significant impacts now or in the reasonably foreseeable future.

Extraordinary Circumstances		
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	<b>Rationale:</b> A Class III inventory has been conducted at this location for the previous water development features. This inventory located one eligible prehistoric site. This site is a landscape level opportunistic quarry with numerous chert nodules eroding downslope. After archaeological testing and collection of this site, the previous water development features were allowed to be constructed. This project is of similar nature. Although there is an eligible cultural resource located at this location it will not be adversely affected as defined in 36 CFR Part 800.6.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. The area is within crucial winter mule deer habitat.		
Yes	No X	<b>Rationale:</b> Project implementation is scheduled to occur outside the mule deer crucial winter range (November –April). Proposal is to amend an existing ROW within the foot prints of two other ROWs.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	<b>Rationale:</b> The proposed authorization would be in conformance with all known environmental laws or requirements under the proposed terms and conditions.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	<b>Rationale:</b> Title VI of the Civil Rights Act and Executive Order 12898 (“Environmental Justice”) require federal agencies to identify and address “disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.” In accordance with CEQ Environmental Justice Guidelines, minority populations should be identified and effects to them analyzed, if either of the following two conditions apply: (1) of those likely to be affected by the Proposed Action, 50 percent or more would be part of the minority population, and (2) within the project area, the minority population percentage is greater than the minority population percentage outside the project area or in the general population. Neither of these conditions applies to the project area for this effort. Therefore, implementation and potential environmental consequences of the action considered would not disproportionately affect any specific group of people (including any racial, ethnic, or socioeconomic group).
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	<b>Rationale:</b> The proposed action would not limit access to any known sites nor affect the physical integrity of such.

### Extraordinary Circumstances

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

<b>Yes</b>	<b>No</b> X	<b>Rationale:</b> The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds and non-native invasive plants. The authorization would include current terms and conditions for the control of noxious weeds.
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EXHIBIT – A

CITY OF ENOCH  
UTU-72762 AMENDMENT

LEGAL DESCRIPTION

Meridian	Township	Range	Section	Subdivision	Acres
SLM	T. 35 S.	R. 10 W.	17	NWNE;	
SLM	T. 35 S.	R. 10 W.	17	Lots 3-5;	

**Acres: 3.788<sup>1</sup>**

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<sup>1</sup> Total acreage for the amendment of UTU-72762 includes the 3.378 acres in the original ROW and adds 0.41 acres for amendment.



## EXHIBIT B

### **STIPULATIONS** **CITY OF ENOCH** **RIGHT-OF-WAY** **UTU- 72762 AMENDMENT**

#### **General**

1. In case of change of address, the holder shall immediately notify the Bureau of Land Management (BLM) Authorized Officer.
2. This grant is subject to all valid rights existing on the effective date of this grant.
3. If the right-of-way holder violates any of the terms and conditions of this grant, the authorized officer, after giving written notice may declare the grant terminated.
4. This right-of-way applies only to public lands. It is the grantee's responsibility to obtain appropriate authorization from the land owners of other affected lands, if applicable.
5. Holder may not construct, make new access roads, or travel cross-county, other than the areas already analyzed for this right-of-way, unless prior written approval is given by the Authorized Officer.
6. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
7. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
8. The holder shall secure all relevant Federal, State and local permits prior to beginning construction/drilling activities.
9. The holder shall comply with the provision of Title VI of the Civil Rights Act of 1964, and will not engage in any discriminatory actions prohibited by 43 CFR Part 17, to the

end that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the holder has received a Federal authorization.

10. The holder or their contractors will notify the BLM of any fires and comply with all rules and regulations administered by the BLM concerning the use, prevention and suppression of fires on federal lands, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or their contractors may be held liable for the cost of fire suppression, stabilization and rehabilitation. In the event of a fire, personal safety will be the first priority of the holder or their contractors. The holder or their contractors will:
  - a) Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
  - b) Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.
  - c) Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC – 5 pound on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.

Notify the Cedar City Interagency Fire Center at (435) 865-4600, or 911 immediately of the location and status of any escaped fire. Construction personnel will be trained in basic fire control procedures.

### **Public Health & Safety Environmental Protection**

11. The Holder of Right-of-Way No. UTU-72762 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
12. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his/her judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
13. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et. seq. (1982) with regards to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the

Comprehensive Environmental Response, Compensation, and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

14. If during any phase of the construction, operation, or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting there from, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

## **Cultural**

15. Any cultural or paleontological resource (historic or prehistoric site or object) or Native American human remains, funerary item, sacred object, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on Federal land, shall be immediately reported to the BLM Authorized Officer by telephone, with written confirmation. The permit holder shall suspend all operations 100 meters within the discovery and appropriately protect the discovery until an evaluation has been made by the BLM Authorized Officer.

- a. If Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered during an undertaking involving BLM managed lands, the parties will comply with the Native American graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR Part 10, Subpart B.
- b. For cultural resources other than Native American human remains, funerary item, sacred object, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the BLM Authorized Officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the BLM Authorized Officer.

## **Vegetation/Weeds**

16. The holder will be responsible for controlling noxious weeds within the limits of the right-of-way. Noxious weeds are defined as those which are listed by the Utah Commissioner of Agriculture under the Noxious Weed Act, and those declared noxious by the County in which the ROW resides. The holder will employ weed control methods

approved in writing by the BLM Authorized Officer. An approved Pesticide Use Proposal (PUP) must be obtained prior to application of herbicides. Upon coordination with the Authorized Officer, the holder may elect to operate under an approved PUP which the BLM holds, or may apply for its own PUP, either through the Authorized Officer or the BLM Utah State Office. A daily Pesticide Application Report (PAR) must be submitted to the Authorized Officer for each day weeds are sprayed on the ROW.

## **Wildlife**

17. No off road travel, surface use or otherwise disruptive activity would be allowed from December 1 through May 15 within identified crucial winter mule deer and/or elk habitat. This notice may be waived, accepted, or modified by the BLM authorized officer if either the resource values change or the grantee/operator demonstrates that adverse impacts can be mitigated. The grantee/operator must request in writing an exception for construction, ground disturbance, or otherwise disruptive maintenance activities during this time frame. The request for an exception must include duration of activity (exact start and end dates when the action is needed) and specific activity (including number of people, equipment). The BLM authorized officer will review the request to determine current conditions and potential impacts to wintering deer/elk. If construction/activities are authorized, implementation would cease when snow depth is > 6" and/or temperatures are < 10° F.

## **Transfer of Federal Ownership/Relinquishment/Assignment**

18. In accordance with federal regulations in 43 CFR 2807.21 any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.
19. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

20. The right-of-way shall be relinquished to the United States if the authorized uses are no longer needed.

**Special Stipulations**

21. The grantee shall be responsible for any damage to adjoining lands due to overflow or breakage of the facilities authorized by this grant.
22. Construction vehicles shall be power washed prior to entering the right-of-way to prevent the import of noxious weeds.
23. Holder may not construct, make new access roads, or travel cross-county, *excluding the areas previously analyzed for this right-of-way*, unless prior written approval is given by the Authorized Officer.
24. The holder and/or its contractors shall secure all relevant Federal, State and local permits prior to beginning construction activities.

I, \_\_\_\_\_, in behalf of City of Enoch, reviewed the above stipulations for the water test drilling temporary right-of-way in the proximity of Enoch, Utah and agree to follow them.

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Authorized Signature

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Date

EXHIBIT – C

CITY OF ENOCH  
UTU-72762 AMENDMENT

**Enoch Amendment Well House & Underground Powerline**  
**UTU-72762**

